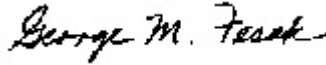


MEMORANDUM FOR KEVIN G. STRICKLIN

Administrator for Coal Mine Safety and Health

FROM:

GEORGE M. FESAK



Chairman, MSHA's Fatality Review Committee

SUBJECT:

Fatality Review Committee Decision on Chargeability

Case No.: C-2007-01

Date of accident: 12/04/2006

Date of death: 12/04/2006

Mine: Fork Creek No. 1

Operating Co.: Coal River Mining, L.L.C.

Decision: Non-chargeable

In a unanimous decision the Fatality Review Committee has determined that the death of the decedent should not be charged to the mining industry. The committee members felt that the certificate of death finding that the cause of death was as a result of "probable cardiac dysrhythmia due to severe coronary artery atherosclerosis" was an important factor in the decision. The activity of the miner at the time was the other factor which was considered. He was in a personnel carrier in route to his underground duty station at the beginning of his shift. The members felt that he was "riding on track-mounted conveyance, but it did not appear to be a factor in the death (no stray electrical current, no strenuous activity)."

cc: Richard E. Stickler

John Pallasch

Robert M. Friend